

altered (by way of example, stretching) or is applied as a discontinuous film. As a result, the inventive composite fabric exhibits desirable air permeability performance such that vapor diffusion resistance decreases dramatically with increased wind speed through the fabric. Thus, as wind speed increases, more air flows through the barrier, allowing more vapor to be dissipated.

The three patents relied upon by the Examiner (owned by assignee Malden Mills) each describe a composite fabric that includes an inner fabric layer, an outer fabric layer, a non-porous hydrophilic barrier located between the layers, and a hydrophilic adhesive adjoining the inner and outer layers with the barrier. The barrier layer is taught to be made from a hydrophilic polyurethane to enable moisture (water vapor) to pass therethrough. <sup>if hydrophilic now can't be non-porous</sup> The polyurethane is non-porous so that it is resistant to the passage of water droplets. The adhesive is also designed to prevent air and water droplets from passing through the fabric layers, while still allowing water vapor to travel therethrough.

Nonetheless, the three Malden patents identified by the Examiner are deficient in their teachings. Because the fabric of the three Malden patents allows only minimal airflow therethrough, wearer comfort is less than desirable. In particular, for a person wearing a garment constructed with the fabric of the Malden patents to perform some type of physical activity, heat is almost always generated -- the dissipation thereof will therefore be difficult because of inadequate airflow.

Because of the particular construction of the vapor barrier selected for the inventive composite fabric, as affirmatively recited in the claims, as amended, open

voids (microvoids) are generated in the adhesive or adhesive/membrane combination, as the case may be. The vapor barrier of the claimed invention, as defined in the claims, is neither taught nor suggested by the prior art Malden patents, and therefore, the barrier layer located between the inner and outer fabric layers thereof is devoid of any microvoids -- thus diffusion resistance for the fabrics described in the prior art Malden patents is substantially constant. This was demonstrated in the subject application at FIG. 7 and described at page 8, lines 14-25.

Thus, it is submitted that the claimed composite fabric, as now amended, is patentably distinguishable from the teachings in any of the Malden prior art patents. The Examiner's double-patenting rejection under Section 35 U.S.C. Section 102 and rejection under 35 U.S.C. Section 103 should therefore be withdrawn.

Regarding the Examiner's objection to the drawings set forth in paragraphs 2-4 of the Office Action, the Examiner is respectfully referred to the formal drawings submitted with the Communication dated July 19, 2001 (copies enclosed). These formal drawings, it is believed, overcome the objections of the Examiner.

Early and favorable action is respectfully requested.

Respectfully submitted,

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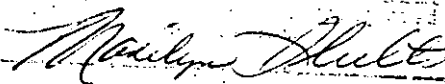
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## **APPENDIX SHOWING AMENDMENTS TO CLAIMS**

1. (Amended) A composite fabric comprising first and second fabric layers and an intermediate vapor barrier selected from the group consisting of a foamed adhesive in the form of a discontinuous film, an adhesive in the form of a continuous film mechanically altered by one of crushing and stretching, and a membrane adhered to said first and second layers with an adhesive and mechanically altered by stretching;  
wherein said intermediate vapor barrier has [ having] a variable water  
vapor diffusion resistance which substantially decreases as air speed impinging on said fabric increases.

2. (Amended) The composite fabric of Claim 1, wherein [said vapor barrier comprises a] said membrane is made from a material selected from the group consisting of polyurethane, polyamide, polytetrafluoroethylene, polyester, or a combination thereof.